

## Message

**From:** Ramanauskas, Peter [ramanauskas.peter@epa.gov]  
**Sent:** 5/17/2017 4:08:03 PM  
**To:** Prout, Susan [prout.susan@epa.gov]  
**Subject:** FW: ArcelorMittal Burns Harbor 2017 Corrective Action Financial Assurance  
**Attachments:** Draft Corrective actions standbytrust-DPB - Internal EPA Comments 2-20-13 PR.docx; 2013 Financial Assurance for AM Burns Harbor Corrective Action - Submitted 2-28-13.pdf

Hi Sue,

# Ex. 5 AC/DP

Peter

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**From:** Kurdila, Julianne [mailto:julianne.kurdila@arcelormittal.com]  
**Sent:** Wednesday, May 17, 2017 9:16 AM  
**To:** Ramanauskas, Peter <ramanauskas.peter@epa.gov>  
**Subject:** FW: ArcelorMittal Burns Harbor 2017 Corrective Action Financial Assurance

Peter:

When asked to revise a trust by Steve Roy, he redlined the Trust Agreement so that we were sure to catch everything U.S. EPA wants. Treasury has asked if you are able to do the same.

Julianne

Julianne Kurdila | Lead Specialist, Environmental Compliance & Policy

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**From:** Mazurek, Allison J  
**Sent:** Wednesday, May 17, 2017 9:32 AM  
**To:** Kurdila, Julianne <julianne.kurdila@arcelormittal.com>

**Cc:** Glogowski, Amy L <Amy.Glogowski@arcelormittal.com>

**Subject:** RE: ArcelorMittal Burns Harbor 2017 Corrective Action Financial Assurance

Julianne,

Can you please ask Peter to do the same thing we asked from Steve? Make the corrections and we will send in for signature. Please note we will keep the original date on the trust and have the notary sign as of the current date. Like the attached pdf.

Thanks.

**Allison Mazurek** | Treasury Analyst  
ArcelorMittal USA

Treasury | 1 S. Dearborn Street 19th Floor  
Chicago, IL 60603

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**From:** Kurdila, Julianne  
**Sent:** Tuesday, May 16, 2017 4:06 PM  
**To:** Mazurek, Allison J <Allison.Mazurek@arcelormittal.com>  
**Cc:** Glogowski, Amy L <Amy.Glogowski@arcelormittal.com>  
**Subject:** FW: ArcelorMittal Burns Harbor 2017 Corrective Action Financial Assurance

EPA wants some changes on the Citibank February 2 Trust that should reference corrective action, like the JPMorgan trust did. See attached.

**Julianne Kurdila** | Lead Specialist, Environmental Compliance & Policy

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**From:** Ramanauskas, Peter [<mailto:ramanauskas.peter@epa.gov>]  
**Sent:** Tuesday, May 16, 2017 2:42 PM  
**To:** Kurdila, Julianne <[julianne.kurdila@arcelormittal.com](mailto:julianne.kurdila@arcelormittal.com)>  
**Cc:** Prout, Susan <[prout.susan@epa.gov](mailto:prout.susan@epa.gov)>  
**Subject:** RE: ArcelorMittal Burns Harbor 2017 Corrective Action Financial Assurance

Hello Julianne,

Thank you for your response below. I have no additional comments on that and will draft a response on your March 31, 2017 submittal. For the February 2, 2017 submittal containing the new Citibank trust language, please resubmit the Citibank Trust so that it matches the language that was in the JP Morgan Trust (which references corrective action

instead of closure and post-closure care). I've attached the 2013 document which reflects the corrective action language. Also, please note that on page 12 of the PDF, the last sentence containing the reference to 40 CFR 264.151 has been deleted.

Once we have that, I will get it through the signoff chain on this end.

Thanks,  
Peter

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**From:** Kurdila, Julianne [<mailto:julianne.kurdila@arcelormittal.com>]  
**Sent:** Friday, April 21, 2017 8:45 AM  
**To:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>  
**Cc:** Mathias, Cary (Contractor) <[cary.mathias@arcelormittal.com](mailto:cary.mathias@arcelormittal.com)>  
**Subject:** RE: ArcelorMittal Burns Harbor 2017 Corrective Action Financial Assurance

Peter:

The March 31<sup>st</sup> submittal is the current cost estimate and financial assurance mechanism. While it is true that we are investigating further work (*potential* additional piezometers), we do not yet have a concrete number on costs and we may have other alternatives. If and when the costs increase, we will adjust the estimate and revise the trust through a rider or revision. That should not further delay acceptance of the trust and termination of the JPM mechanism.

I am cc'ing Cary Mathias, our Regional Waste Manager, on this issue.

Julianne

**Julianne Kurdila** | Lead Specialist, Environmental Compliance & Policy

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**From:** Ramanauskas, Peter [<mailto:ramanauskas.peter@epa.gov>]  
**Sent:** Friday, April 21, 2017 9:39 AM  
**To:** Kurdila, Julianne <[julianne.kurdila@arcelormittal.com](mailto:julianne.kurdila@arcelormittal.com)>  
**Subject:** RE: ArcelorMittal Burns Harbor 2017 Corrective Action Financial Assurance

Thank you, Julianne. I see that the Page 1 monthly invoice spans the month of October 2016. Do those costs only include the passive operations at the locomotive area (i.e. weekly checking of the absorbent socks and wringing them out to recover absorbed diesel fuel)? Since Burns Harbor is looking to follow the recommendations of the April 10, 2017 DIESEL FUEL FREE PRODUCT RECOVERY report (i.e. potential installation of additional piezometers to further delineate groundwater impacts and connecting piezometers FP-4 and FP-5 to the vacuum enhanced free product skimming system/ free product disposal), such costs need to be factored into the Financial Assurance. Please adjust the estimates to reflect these additional costs.

Thanks,  
Peter

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**From:** Kurdila, Julianne [<mailto:julianne.kurdila@arcelormittal.com>]  
**Sent:** Thursday, April 20, 2017 3:19 PM  
**To:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>  
**Subject:** RE: ArcelorMittal Burns Harbor 2017 Corrective Action Financial Assurance

Attached per U.S. EPA's request are 2016 invoices for RCRA Corrective Action work completed at Burns Harbor. ArcelorMittal's 2017 Financial Assurance was based on these charges, adjusted for inflation. The Excel document explains the facility's calculations. Specifically, the non-redacted pages of the PDF contain the following:

Page 1. - A monthly invoice for the normal work done at the locomotive fuel station remediation. This is a typical invoice. The total is \$1,147.75 for the month. Quarterly that would be \$3,443.25 or \$13,773.00 per year for the fueling station.

Page 2. - The invoice for the last IA-3 cap (RCRA area) inspection which was \$891.00. I figured round \$1,100.00 for future inspections which should more than cover the inspections if the mowings take place.

Page 3. - The last invoice is for mowing the cap. Sometimes like last year, we only need one mowing but we planned for 2 per year. The cost for one was \$2015.00. Per year that would be \$4,030.00. I figured about \$2,200.00 each for \$4,400.00 plus the \$1,100.00 inspection above is \$5,500.00 per year. If the cap is mowed twice per year, the cost per mowing drops (less time to mow).

We also provided a redacted version. We claim Confidential Business Information for the name and identifying information of the contractors because we negotiate the prices with these companies, which may not be reflective of what others charge or of what these companies charge other customers. If necessary, we will provide a more robust CBI claim if and when these records are subject to a FOIA request.

Thank you.

Julianne

**Julianne Kurdila** | Lead Specialist, Environmental Compliance & Policy

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**From:** Ramanauskas, Peter [<mailto:ramanauskas.peter@epa.gov>]  
**Sent:** Thursday, April 20, 2017 12:04 PM  
**To:** Kurdila, Julianne <[julianne.kurdila@arcelormittal.com](mailto:julianne.kurdila@arcelormittal.com)>  
**Subject:** RE: ArcelorMittal Burns Harbor 2017 Corrective Action Financial Assurance

Hi Julianne,

If last year's costs would be reflective of the future projected work, then yes. You can make a claim of CBI and we would withhold the confidential information if there is a FOIA request. If we were to get a FOIA, we would ask you to substantiate the claim of CBI at that time. You could provide us with both a redacted (releasable) version and an unredacted version claimed as CBI, if you'd like.

Let me know how that sounds.

Thanks,  
Peter

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**From:** Kurdila, Julianne [<mailto:julianne.kurdila@arcelormittal.com>]  
**Sent:** Thursday, April 20, 2017 10:50 AM  
**To:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>  
**Subject:** RE: ArcelorMittal Burns Harbor 2017 Corrective Action Financial Assurance

Hi, Peter.

Re: costs: is it okay to give you redacted actual costs from last year? If these records are to become public, we want to redact the name, address, and other identifying information of the firm(s).

Julianne

Julianne Kurdila | Lead Specialist, Environmental Compliance & Policy

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**From:** Ramanauskas, Peter [<mailto:ramanauskas.peter@epa.gov>]  
**Sent:** Wednesday, April 19, 2017 12:34 PM  
**To:** Kurdila, Julianne <[julianne.kurdila@arcelormittal.com](mailto:julianne.kurdila@arcelormittal.com)>  
**Subject:** RE: ArcelorMittal Burns Harbor 2017 Corrective Action Financial Assurance

Thank you, Julianne. I will check in with my colleagues in the UIC program and our Office of Regional Counsel on the termination issue.

Peter

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**From:** Kurdila, Julianne [<mailto:julianne.kurdila@arcelormittal.com>]  
**Sent:** Wednesday, April 19, 2017 11:22 AM  
**To:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>  
**Subject:** RE: ArcelorMittal Burns Harbor 2017 Corrective Action Financial Assurance

I will talk to Burns Harbor to get your answers.

FYI – I am in discussions with Steve re: changing some of the language in the UIC Trust. But in the meantime, JPM has not received notice of termination of its trusts, so we are at risk for paying both JPM and Citi. I appreciate any help you can provide.

Thank you.

Julianne

**Julianne Kurdila** | Lead Specialist, Environmental Compliance & Policy

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**From:** Ramanauskas, Peter [<mailto:ramanauskas.peter@epa.gov>]  
**Sent:** Wednesday, April 19, 2017 12:16 PM  
**To:** Kurdila, Julianne <[julianne.kurdila@arcelormittal.com](mailto:julianne.kurdila@arcelormittal.com)>  
**Subject:** ArcelorMittal Burns Harbor 2017 Corrective Action Financial Assurance

Hello Julianne,

I've been looking over your March 31, 2017 Financial Assurance for RCRA Corrective Action submittal and the Excel spreadsheet you sent me in support of that. Last year, Doug Bley & I had the email exchange below regarding the development of Financial Assurance for Corrective Action. I wanted to ask about your Excel spreadsheet in light of the email below.

- Please confirm that your estimate of \$5,500 for "rcra site per year" is the estimated cost of 3<sup>rd</sup> party inspection and maintenance of the capped area at IA-3.
- Please confirm that your estimate of \$20,000 for "loco shop" is the estimated cost of 3<sup>rd</sup> party implementation of the recommendations noted in the attached April 10, 2017 report (i.e. free product removal from FP-4 and FP-5, free product disposal, and additional investigation of extent of groundwater contamination to the west and southwest via new piezometer installation & groundwater analysis).
- Do you have any cost estimates from a 3<sup>rd</sup> party to perform this work that you can provide?

Thanks,  
 Peter

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**From:** Bley, Douglas [<mailto:Douglas.Bley@arcelormittal.com>]  
**Sent:** Thursday, August 18, 2016 7:17 AM  
**To:** Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>  
**Subject:** RE: ArcelorMittal Burns Harbor 2016 Corrective Action Financial Assurance

Thank you

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**From:** Ramanauskas, Peter [<mailto:ramanauskas.peter@epa.gov>]  
**Sent:** Wednesday, August 17, 2016 10:34 AM

**To:** Bley, Douglas <Douglas.Bley@arcelormittal.com>

**Subject:** RE: ArcelorMittal Burns Harbor 2016 Corrective Action Financial Assurance

Hello Doug,

We are in agreement with your points below. We will return the signed reduction and you can adjust the bond for the 2017 submittal.

Thanks,  
Peter

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**From:** Bley, Douglas [mailto:Douglas.Bley@arcelormittal.com]

**Sent:** Friday, August 12, 2016 8:58 AM

**To:** Ramanauskas, Peter <ramanauskas.peter@epa.gov>

**Subject:** RE: ArcelorMittal Burns Harbor 2016 Corrective Action Financial Assurance

Peter,

I have a couple issues with your email that need to be resolved.

1. Using a third party for inspections and maintenance at IA-3 will have a significant impact on the cost estimate since we have been handling this internally. May I wait to adjust the bond until the 2017 submittal? The current bond is set at \$51,032 and you could just return the reduction for this year.
2. The IA-3 cap was completed on 8/29/02 and we should receive credit for the last 14 years. Therefore, I would like to have the costs identified for the remainder of the 30 year post-closure period (i.e., 16 years remaining). Please advise if you are in agreement.

---

**From:** Ramanauskas, Peter [mailto:ramanauskas.peter@epa.gov]

**Sent:** Friday, August 05, 2016 4:53 PM

**To:** Bley, Douglas <Douglas.Bley@arcelormittal.com>

**Subject:** ArcelorMittal Burns Harbor 2016 Corrective Action Financial Assurance

Hello Doug,

A question has come up from my management regarding the cost estimate for corrective action and the timeframe over which the cost estimate spans. For example, given that IA-3 is a capped disposal area, we would look to have estimates based on costs that would be incurred by an independent, third-party in order to ensure that the full costs of corrective action (i.e. inspection & maintenance) will be covered in the event an owner or operator is not able to fulfill its obligations. In the IA-3 case, since the remedy was capping in place, we would look to the duration for post-closure care requirements applicable to a landfill (i.e. 30 years) – see 264.117(a)(1).

So given your Feb 26, 2016 memo, we would request an adjustment of the IA-3 costs to cover 30 years of inspection & maintenance of the cap. Regarding the Loco shop, we can currently accept the \$1125 per quarter estimate and await the submittal of the additional information request in #2 of EPA's February 19, 2016 letter to see how this may need to be adjusted for 2017.

Thanks,  
Peter

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**From:** Bley, Douglas [mailto:Douglas.Bley@arcelormittal.com]

**Sent:** Thursday, June 30, 2016 6:33 AM

**To:** Ramanauskas, Peter <ramanauskas.peter@epa.gov>

**Subject:** RE: ArcelorMittal 2016 Financial Assurance

Other than once/year mowing (if needed) and the annual inspection, the IA-3 cap has not needed any repairs or additional maintenance since installation. Based on that history, repairs or additional maintenance of the cap are not anticipated in 2016 or the near future.

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**From:** Ramanauskas, Peter [<mailto:ramanauskas.peter@epa.gov>]

**Sent:** Wednesday, June 29, 2016 5:49 PM

**To:** Bley, Douglas <[Douglas.Bley@arcelormittal.com](mailto:Douglas.Bley@arcelormittal.com)>

**Subject:** RE: ArcelorMittal 2016 Financial Assurance

Thanks, Doug.

With respect to the Burns Harbor estimate, do you believe that there will be any IA-3 cap maintenance requirements needed this year that would exceed the \$416 allotted to that or has an inspection not identified any needed cap repairs?

Thanks,  
Peter

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**From:** Bley, Douglas [<mailto:Douglas.Bley@arcelormittal.com>]

**Sent:** Wednesday, June 29, 2016 3:02 PM

**To:** Roy, Stephen <[roy.stephen@epa.gov](mailto:roy.stephen@epa.gov)>; Ramanauskas, Peter <[ramanauskas.peter@epa.gov](mailto:ramanauskas.peter@epa.gov)>

**Subject:** RE: ArcelorMittal 2016 Financial Assurance

Gentlemen:

Based on discussions with the trustee and surety, you can just print the pdf copies, and return the 2015 and 2016 trust amendments with original signature as requested by the cover letter (Please cc me as well). For Peter, you will also need to include the signed copy of the bond, as reduced. I have attached the pdf copies of both the 2015 and 2016 submittals for your convenience. Please let me know if there are any remaining issues.

---

**From:** Roy, Stephen [<mailto:roy.stephen@epa.gov>]

**Sent:** Tuesday, June 28, 2016 5:56 PM

**To:** Bley, Douglas <[Douglas.Bley@arcelormittal.com](mailto:Douglas.Bley@arcelormittal.com)>

**Subject:** ArcelorMittal 2016 Financial Assurance

Hello, Doug,

I am sorry to report that although I have searched high and low for this document, I have not been able to find the original. We know it came into the mailroom April 5 and that it went to the Regional Administrator's office on April 5 but no one has been able to find out what happened to it after that point. I have contacted several divisional offices to try to locate it but nothing has turned up. Sometimes it takes several weeks for a document to find its way to the proper office but since it has been almost three months, it is extremely unlikely that it will turn up in the near future. This leaves us with two options. If it is acceptable to ArcelorMittal and your bank, we can sign the PDF of the document that you provided and return the signed document to Ms. Mazurek as instructed in your cover letter of March 31. Alternately, if this is not acceptable, we request that ArcelorMittal generate a new original. If that is how you choose to proceed, I request that you mail it to me rather than to the Regional Administrator's office so that we can better guarantee that it will get to the right place in the Region 5 office.

Again, I apologize for this situation but the original document seems to have disappeared.

Steve